IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition Nos.9834, 14099 &14311 of 1999

Dated: 03-07-2007

W.P.No.9834/1999

Between:

Smt. C. Subbayamma, w/o late Mr. C. Pallaiah.

... Petitioner

and

1. Government of Andhra Pradesh,
   rep. by its Secretary, Revenue Department,
   A.P. Secretariat, Hyderabad and 3 others.

... Respondents

W.P.No.14099/1999

Between:

K. Venkatesham, s/o Mr. S. Krishnamurthy.

... Petitioner

and

1. Government of Andhra Pradesh,
   rep. by its Secretary,
   A.P. Secretariat, Hyderabad and 3 others.

... Respondents

W.P.No.14311/1999

Between:

1. Sri Kantilal N. Patel, s/o Sri Nathubhai Patel and another.

... Petitioners

and

1. Government of Andhra Pradesh,
   rep. by its Secretary,
   A.P. Secretariat, Hyderabad and 3 others.

... Respondents

COMMON ORDER:

As the point involved in all these three writ petitions is one and the same, they are heard and disposed of by this common order.

2. Questioning the notification dated 13-11-1996 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') insofar as the acquisition of the property bearing Nos.18-1-636, 18-1-635 and 18-1-634, situated at Mosque Road, Tirupathi, belonging to petitioners respectively, these writ petitions are filed.

3. Facts, in brief, are: Petitioners are the absolute owners of the properties bearing Nos.18-1-636, 18-1-635 and 18-1-634 respectively, situated at Mosque Road, Tirupathi. In 1981, a Zonal Development Plan was drawn up, *inter alia*, proposing to widen the Mosque Road, Tirupathi from the existing width to 50 ft, but, however, no effective steps were taken from 1981 to 1996. In 1996, a Gazette Notification under Section 4(1) of the Act was issued identifying the properties, which are to be acquired on the Mosque Road, but respondents intended to acquire the properties on one side of the road only, on which side petitioners' properties are located. However, petitioners' properties were not included in the list for the reason that the width of the road in front of petitioners' property ranges from 100' to 70'. Subsequently based on certain representations, respondents drew up a fresh scheme and while doing so, the properties from both sides of the road were decided to be acquired with lesser areas. Accordingly, a notification dated 13-11-1996 under Section 4(1) of the Act was issued, wherein petitioners' properties were also included. Petitioners filed their objections 30-12-1996 under Section 5-A of the Act pointing

out that the road in front of their houses is roughly 100' whereas the road, which is proposed to be widened is 60' only. Without considering their objections, respondents proceeded with the acquisition and accordingly issued notices under Section 9(3) and 10 of the Act to petitioners, requiring them to appear on 24-04-1999 and to submit their claims, interest and the amount of compensation with particulars thereof. Aggrieved thereby, petitioners filed the present writ petitions.

3. Heard learned counsel for the parties.

4. Questioning the very same notification, some of the land owners approached this Court and filed W.P.No.10436 of 1999 and this Court, vide order dated 13-06-2007 upheld the said notification.

5. The main contention of learned counsel for petitioners, Mr. M.M. Firdos, is that in the notification issued under Section 4(1) of the Act, it is clearly stated that the land is required for the purpose of widening of the road at 60' from New Municipal Junction to K.T. Road and contrary to the said notification, intentionally respondents are widening the road to an extent of 100' at the place where petitioners houses are located and thus depriving petitioners of their property, which is violative of Article 300-A of the Constitution of India.

6. No doubt, in the notification issued under Section 4(1) of the Act, the purpose is mentioned as widening of the road at 60' from New Municipal Junction to K.T. Road. If that alone is taken into consideration this writ petition has to be allowed as contended by learned counsel for the petitioners. But in the said notification the extent of the land that is required was categorically mentioned at Item Nos.10 to 13 as 3,548 square feet. So, the District Collector, Chittoor,

who issued the notification clearly knows that though the widening of the road is restricted to 60' at other places, as there is a junction near the houses of petitioners, which requires 100', specifically mentioned in the notification about the extents that are to be acquired. Hence, the contention of learned counsel for petitioners, Mr. M. M. Firdos, that the said widening of 100' road near the houses of petitioners is contrary to the notification issued under Section 4(1) of the Act, cannot be accepted.

7. Accordingly, all the writ petitions are dismissed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.03-07-2007
GLV